REMARKS

Claims 1-14 are pending. Claims 1, 5 and 8 are the only independent claims.

Claims 1, 3, 5, 8 and 9 were rejected under 35 U.S.C. § 103 as obvious from U.S. Patent 6,160,785 (Hutter) in view of U.S. Patent 4,157,454 (Becker). Claims 2 and 6 were rejected under 35 U.S.C. § 103 as obvious from Hutter and Becker and further in view of U.S. Patent 5,132,955 (Hanson). Claims 4, 7 and 11-14 were rejected under 35 U.S.C. § 103 as obvious from Hutter and Becker and further in view of U.S. Patent Application 10/035,311 (Kato et al.). Applicant traverses and submits that the independent claims are patentable for at least the following reasons.

Claim 1 is directed to a data transmission system that includes calculation means for performing calculation using a variable on an original data stream read from a recording medium so as to produce a calculated data stream; variable creation means for creating the variable; a stream buffer for temporarily storing the calculated data stream therein; inverse calculation means for performing inverse calculation on the calculated data stream output from the stream buffer to reproduce the data stream; stream processing means for processing the reproduced data stream to produce a processed data stream; and output means for outputting the processed data stream.

The Office Action cited Hutter as teaching a stream buffer, stream processing means, and output means. However, the Office Action recognized that Hutter contains no teaching of means to perform calculations, inverse calculations or create variables, as recited, for example, in claim 1. In an attempt to remedy this deficiency, the Office Action relies upon Becker.

Hutter relates to a method whereby music CD reproduction can be enhanced when such a CD is played in a DVD player. The enhancement takes advantage of the fact that unlike a regular CD player, a DVD player has sufficient processing capability to perform more complex error correction on CD's played on.the DVD player. By virtue of

the DVD's hardware, increased error correction can be achieved without the necessity of additional, and costly, hardware.

As was pointed out in the previous response, the process of error correction of CD's in a DVD player, the subject of the Hutter patent, does not require encryption and decryption techniques as described in Becker or the calculation, inverse calculation, and variable creation features of claim 1. Thus, as was pointed out previously, there would have been no motivation whatsoever for one to have modified Hutter in the manner proposed in the Office Action.

In response to these arguments, beginning at page 2, the Office Action sets forth a series of logical steps that allegedly show how a particular statement in Becker, unrelated to any technology in Hutter, somehow provides the legally-required motivation to add the missing elements to Hutter to read on the claims of the present invention.

In particular, the Office Action cited the following statement in Becker as allegedly providing the motivation to modify Hutter in a manner utterly unnecessary to a DVD player:

> "For the purpose of data security, it is known to provide enciphering systems at those points of the system which are particularly liable to unauthorized access. This applies, for example, to transmitters of remote data processing lines or to data base storages shared by several users." (col. 1, lines 15-20).

This portion explains that it is known, *for portions of a system liable to unauthorized access*, to provided enciphering systems. The patent gives examples, including data base storage *shared by several users.* To justify adding enciphering to Hutter, the Office Action takes the position that the memory of the DVD player is liable to unauthorized access: "It is well known in the art that reading memory (a place for temporarily storing data) is a fundamental computer process and can be read from by simple instructions."

However, Becker provides no teaching whatsoever that regular memories are "particularly liable to unauthorized access," and the storage example given in the quoted section refers only to data storage that is shared by several users, where security would be a concern. In fact, the memory buffers of Hutter, designed for use in error correction, are not taught as being liable in any way to unauthorized access. There is no description in Hutter of anyone having any access to these memories, still less unauthorized access. The memories in Hutter are used during error processing by the CPU and are not accessible to the user. Rather, as is quite clear from Hutter, the buffers are *only accessible by the internal circuitry of the DVD player.* Thus, these memories are of a type *not* known to be provided with enciphering systems, since they are *not* accessible to others, are *not* shared by several users, and are not liable to outside access, still less unauthorized access.

Thus, the alleged motivation is no motivation at all with regard to the memories of the Hutter device. Just because it is conceivable that some memories might need data security, does not mean that the memories of the Hutter device would need such security. In fact, as set forth above, it is clear that the memories of the Hutter device have no such need. If the Examiner intends to maintain this rejection, it is requested that he provide an affidavit to the effect that the buffer memories of Hutter are somewhere shown to be liable to unauthorized access, or to any access at all, other than by the internal error correction circuitry of the DVD player.

As was pointed out in the previous response, the elements proposed to be supplied by Becker in the Examiner's combination would have been of no use at all in error correction of CD's. For at least this reason, no one would have made the proposed modification because it would have simply added useless hardware components to the DVD player.

As was stated in the previous response, especially in view of the complete failure of the Office Action to provide a reasonable motivation, the only conceivable motivation to tack on features useless to the DVD player of Mutter is the need to meet the claim features. And of course this is not a proper motivation. Accordingly, the rejection amounts to an

improper hindsight reconstruction of the claims and fails to set forth a prima facie case of obviousness. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested. The other independent claims recite similar features and are believed patentable for similar reasons.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

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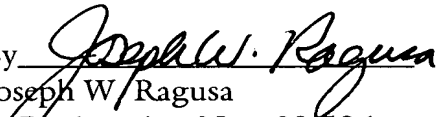
Respectfully submitted,

By 

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